

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE APRIL 14, 2005

**SENATE BILL**

**No. 854**

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**Introduced by Senator Ashburn**

**(Coauthor: Senator Denham)**

(Coauthors: Assembly Members Goldberg and Walters)

February 22, 2005

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An act to amend Sections 8484.7 and 8484.8 of, and to add Section 8484.9 to, the Education Code, relating to afterschool programs, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 854, as amended, Ashburn. Community learning centers.

Existing law establishes the After School Education and Safety Program to create incentives to establish locally driven before and after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive.

Existing law states the intent of the Legislature that federally funded 21st Century Community Learning Centers complement the existing After School Education and Safety Program by utilizing the existing funding provided under that existing program, and to provide the local flexibility needed to implement the federal 21st Century Community Learning Centers program through direct grants. Existing law, in accordance with the 21st Century Community Learning Centers program contained in the federal No Child Left Behind Act of 2001, allocates funds appropriated by the Budget Act of 2002 and prescribes requirements related to the allocation of funds, including that a core funding grant conform to the per pupil rate established by the After School Education and Safety Program, that funding for a grant be allocated in annual increments for a period not to exceed 5 years, that

2nd year core funding be fully allocated if a program achieves no less than 85% of the proposed pupil attendance, and that subsequent year core funding be fully allocated if a program achieves no less than 100% of the proposed pupil attendance.

This bill would allocate funds appropriated in the annual Budget Act for those learning center programs. The bill would set the maximum per pupil rate at \$7.50 per pupil, per day. The bill would require the State Department of Education to allocate 40% of the funding for each year 30 days after the annual Budget Act becomes effective. The bill would authorize the department to permit a grantee to reallocate the funds to program sites upon extraordinary unforeseen events, as specified. The bill would establish the Advisory Committee on Before and After School Programs for the purpose of providing information and advice to the Superintendent of Public Instruction, the Secretary for Education, and the State Board of Education regarding state and federal policy and funding issues affecting before and after school programs.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8484.7 of the Education Code is
- 2 amended to read:
- 3 8484.7. It is the intent of the Legislature that the 21st Century
- 4 Community Learning Centers program contained within the
- 5 federal No Child Left Behind Act of 2001 (P.L. 107-110)
- 6 complement the After School Education and Safety Program
- 7 established by Article 22.5 (commencing with Section 8482), to
- 8 provide the local flexibility needed to implement federal 21st
- 9 Century Community Learning Centers programs through direct
- 10 grants, as specified in this article.
- 11 SEC. 2. Section 8484.8 of the Education Code is amended to
- 12 read:
- 13 8484.8. In accordance with Part B of Title IV of the federal
- 14 No Child Left Behind Act of 2001 (P.L. 107-110), of the funds
- 15 appropriated in Item 6110-197-0890 of Section 2.00 of the

1 annual Budget Act, funds shall be available for expenditure as  
2 follows:

3 (a) The amount of one million dollars (\$1,000,000) shall be  
4 available to the department for purposes of providing technical  
5 assistance, evaluation and training services, for carrying out  
6 programs related to 21st Century Community Learning Center  
7 programs.

8 (b) (1) An amount of up to three million five hundred  
9 thousand dollars (\$3,500,000) shall be available for direct grants,  
10 in an amount not to exceed twenty-five thousand dollars  
11 (\$25,000) per site, per year, for community learning center  
12 programs that serve middle and elementary school pupils for  
13 providing equitable access to, and participation in, community  
14 learning center programs, according to needs determined by the  
15 local community.

16 (2) The department shall determine the requirements for  
17 eligibility for a grant under this subdivision, consistent with the  
18 following:

19 (A) Consistent with the local partnership approach inherent in  
20 Article 22.5 (commencing with Section 8482), grants awarded  
21 under this subdivision shall provide supplemental assistance to  
22 programs. It is not intended that a grant fund the full anticipated  
23 costs of the services provided by a community learning center  
24 program.

25 (B) In determining the need for a grant pursuant to this  
26 subdivision, the department shall base its determination on a  
27 needs assessment and a determination that existing resources are  
28 not available to meet these needs, including a description of how  
29 the needs, strengths, and resources of the community have been  
30 assessed, currently available resources, and the justification for  
31 additional resources for that purpose.

32 (C) The department shall award grants for a specific purpose,  
33 as justified by the applicant.

34 (3) To be eligible to receive a grant under this subdivision, the  
35 designated public agency representative for the applicant shall  
36 certify that an annual fiscal audit will be conducted and that  
37 adequate, accurate records will be kept. In addition, each  
38 applicant shall provide the department with the assurance that  
39 funds received under this subdivision are expended only for those  
40 services and supports for which they are granted. The department

1 shall require grant recipients to submit annual budget reports, and  
2 the department shall have the authority to withhold funds in  
3 subsequent years if direct grant funds are expended for purposes  
4 other than as awarded.

5 (c) Up to one million dollars (\$1,000,000) shall be available  
6 for direct grants of up to twenty thousand dollars (\$20,000) per  
7 site, per year, for providing family literacy services only to those  
8 schoolsites that identify a need for families of 21st Century  
9 Community Learning Center program pupils, and that  
10 demonstrate a fiscal hardship by certifying that existing resources  
11 including funding for Title III of the No Child Left Behind Act of  
12 2001 (P.L. 107-110), Chapter 3 (commencing with Section 300)  
13 of Part 1, adult education, community college, and the federal  
14 Even Start Program are not available or are insufficient to serve  
15 these families. An assurance that the funds received under this  
16 subdivision are expended only for those services and supports for  
17 which they were granted shall be required.

18 (d) Of the remaining funds in Item 6110-197-0890 of Section  
19 2.00 of the Budget Act of 2002, two million five hundred  
20 thousand dollars (\$2,500,000) shall be allocated on a priority  
21 basis for grants to community learning center programs serving  
22 high school pupils, and the remainder of this amount shall be  
23 allocated on a priority basis for programs for middle and  
24 elementary school pupils.

25 (e) Grant awards under this section shall be restricted to those  
26 applications that propose primarily to serve pupils that attend  
27 schoolwide programs, as described in Title I of the No Child Left  
28 Behind Act of 2001. Competitive priority shall be given to  
29 applications that propose to serve children and youth in schools  
30 designated as being in need of improvement under subsection (b)  
31 of Section 6316 of Title 20 of the United States Code, and that  
32 are jointly submitted by school districts and community-based  
33 organizations. Applications to serve pupils in programs that have  
34 received grants under Article 22.5 (commencing with Section  
35 8482) shall be funded only when proposing to expand in  
36 additional sites or to add pupils to a currently funded site.

37 (f) (1) Core funding grants for programs serving middle and  
38 elementary school pupils in before and after school programs  
39 shall conform to the grant maximum amounts established in  
40 Article 22.5 (commencing with Section 8482) for similar state

1 funded programs. The maximum core grant shall be an amount  
2 equal to seven dollars and fifty cents (\$7.50) per pupil, per day.

3 (2) (A) Funding for a grant shall be allocated in annual  
4 increments for a period not to exceed five years.

5 (B) In each year of a program, the department shall allocate 40  
6 percent of the grant for that year no later than

7 30 days after the annual Budget Act becomes effective.

8 (3) A first year grant award of core funding shall be fully  
9 allocated if a program has achieved no less than 70 percent of the  
10 proposed pupil attendance. Second year core funding shall be  
11 fully allocated if a program has achieved no less than 85 percent  
12 of the proposed pupil attendance. Subsequent year core funding  
13 shall be allocated if a program has achieved no less than 100  
14 percent pupil attendance.

15 (4) The department may permit a grantee to reallocate funds to  
16 sites if a grantee sustains a temporary reduction in pupil  
17 attendance as a result of natural disaster, civil unrest, imminent  
18 danger to pupils or staff, or other extraordinary unforeseen event.

19 (5) A grantee shall identify the federal, state, and local  
20 programs that will be combined or coordinated with the proposed  
21 program for the most effective use of public resources, and to  
22 describe a plan for continuing the program beyond federal grant  
23 funding.

24 (6) A grantee shall submit annual attendance data and results  
25 to facilitate evaluation and compliance with provisions  
26 established by the department.

27 (7) A program receiving a grant under this subdivision is not  
28 assured of grant renewal from future state or federal funding at  
29 the conclusion of the grant period.

30 (g) A total annual grant award for core funding and direct  
31 grants for a site serving elementary or middle school pupils shall  
32 be fifty thousand dollars (\$50,000) per year or more, consistent  
33 with federal requirements.

34 (h) A grant for a program serving high school pupils at  
35 schoolsites or sites of other organizations, as determined to be  
36 eligible by the department and consistent with the provisions of  
37 the 21st Century Community Learning Centers program, is  
38 available as an annual minimum grant of fifty thousand dollars  
39 (\$50,000) per year. Grant funding above the minimum shall be  
40 determined in proportion to the average daily attendance of the

1 high school program site or sites to be served and other factors  
2 including proposed attendance and effective use of resources as  
3 determined by the department up to two hundred and fifty  
4 thousand dollars (\$250,000) per year for five years. A grantee  
5 that establishes a high school program pursuant to this  
6 subdivision shall be subject to annual reporting and  
7 recertification as required by the department. After the second  
8 year, the department shall reduce funding of programs in which  
9 actual attendance is significantly below proposed attendance  
10 levels. An evaluation of the program funded pursuant to this  
11 subdivision shall be submitted no later than 180 days after the  
12 completion of the second year of the program. The department  
13 shall provide the results of that evaluation and work with the  
14 Legislature, the Department of Finance, program providers, and  
15 other interested parties to adopt or restructure a high school after  
16 school program for California that is both programmatically and  
17 fiscally sound. Grantees shall be eligible for fourth and fifth year  
18 funding consistent with the restructured requirements. A grantee  
19 shall be required to identify the federal, state, and local programs  
20 that will be combined or coordinated with the proposed program  
21 for the most effective use of public resources and to describe a  
22 plan for continuing the program beyond federal grant funding.  
23 Grantees shall be required to submit annual attendance data  
24 results to facilitate evaluation and compliance with provisions  
25 established by the department. A program receiving a grant under  
26 this subdivision is not assured of grant renewal from future state  
27 or federal funding at the conclusion of the grant period.

28 (i) Funds received but unexpended under this article may be  
29 carried forward to subsequent years consistent with federal  
30 requirements. In year one, the full grant may be retained.

31 (j) This article shall be operative only to the extent that  
32 federal funds are made available for the purposes of this article.  
33 It is the intent of the Legislature that this article not be  
34 considered a precedent for General Fund augmentation of either  
35 the state administered, federally funded program of this article, or  
36 any other state funded before or after school program.

37 SEC. 3. Section 8484.9 is added to the Education Code, to  
38 read:

39 8484.9. (a) There is hereby established in the department an  
40 Advisory Committee on Before and After School Programs for

1 the purpose of providing information and advice to the  
2 Superintendent, the Secretary for Education, and the State Board  
3 of Education regarding state and federal policy and funding  
4 issues affecting before and after school programs, based on  
5 regular and systematic input from providers.

6 (b) The membership of the advisory committee shall consist of  
7 all of the following persons, all of whom shall be operators of  
8 before or after school programs:

9 (1) Six persons appointed by the Governor as follows:

10 (A) Two persons who operate an urban before or after school  
11 program.

12 (B) Two persons who operate a rural before or after school  
13 program.

14 (C) One person from a private foundation or a postsecondary  
15 academic institution.

16 (D) One person representing a unified school district.

17 (2) Two persons appointed by the Superintendent as follows:

18 (A) One person who operates a high school after school  
19 program.

20 (B) One person from a private foundation or a postsecondary  
21 academic institution.

22 (3) Two persons appointed by the Senate Committee on Rules  
23 as follows:

24 (A) One person who operates a small elementary after school  
25 program.

26 (B) One person who operates a large middle school after  
27 school program.

28 (4) Two persons appointed by the Speaker of the Assembly as  
29 follows:

30 (A) One person who operates a large elementary school after  
31 school program.

32 (B) One person who operates a small middle school after  
33 school program.

34 (c) The advisory committee membership shall be  
35 representative of the diversity of before and after school  
36 programs, regarding geography, size, and public or nonpublic  
37 operation.

38 (d) The advisory committee members shall select one of its  
39 members to be the chair of the committee. It is the responsibility

1 of the chair to act as the conduit between the advisory committee  
2 and the Superintendent, the state board, and appropriate staff.

3 (e) The advisory committee shall nominate, and the state board  
4 shall confirm, a staff member to serve as consultant to the  
5 advisory committee.

6 (f) The advisory committee shall meet as frequently as  
7 necessary but at least three times each year. The meetings of the  
8 committee may be conducted by teleconference.

9 (g) The members of the advisory committee shall serve  
10 without compensation, including for travel and per diem  
11 expenses.

12 (h) The advisory committee shall do all of the following:

13 (1) Provide information on the status of funding provided for  
14 before and after school programs in each fiscal year, including  
15 the number of applications received, the number of applications  
16 funded, and the amount and timing of committed funding.

17 (2) Provide recommendations on legislative and administrative  
18 action needed to ensure that funding for before and after school  
19 programs is allocated promptly to qualified providers of before  
20 and after school programs.

21 (3) Provide information on the quality of services and  
22 accountability measures.

23 (4) Provide information regarding challenges faced by before  
24 and after school programs that impede the provision of best  
25 possible services.

26 *SEC. 4. This act is an urgency statute necessary for the*  
27 *immediate preservation of the public peace, health, or safety*  
28 *within the meaning of Article IV of the Constitution and shall go*  
29 *into immediate effect. The facts constituting the necessity are:*

30 *In order to allocate funds appropriated in the Budget Act of*  
31 *2005 for learning center programs at the earliest possible time, it*  
32 *is necessary that this act take effect immediately.*